

Mayor David Sims called the regularly scheduled council meeting of January 19, 2016 to order at 7:00 p.m. Present for the meeting were Mayor Sims, Council President Rick Alonzo, Council Members Ron Smith, Connie Wells, and Adam Arthur, Clerk Kris Larson, City Administrator Mike Klaus, City Attorney Andrakay Pluid, Police Chief Vic Watson, Fire Chief Pat Warkentin, City Mechanic Jimmy Dorhofer, and Contract Planner Lisa Ailport. Also present were Dave Gray, Jerry Higgs, Doug Ladely, Sr., Ken Baker, Jeff Lindsey, Eric Anderson, Jessica Tingley, and Stu Willis. Tony Rohrwasser arrived at the meeting at 7:30 p.m.

The first order of business was a public hearing for a special use permit for a medical clinic and professional office at 6530 Washington Street in a residential A zone requested by Sherry Bushnell on behalf of Providence Bible Presbyterian Church. Mayor Sims read the hearing procedures to the group. There were no conflicts of interest for the Mayor or Council Members. Lisa Ailport gave a power point presentation for SUP004-15. The property description is approximately half of an acre at 6530 Washington. The existing use on the property is a Church. Planning and Zoning (P&Z) Commission made the recommendation to approve the permit with condition approval #7. The applicant will use the building for pregnancy care, resources and counseling for expectant families and as a home schooling base for home schoolers and teachers in our area. The business will be open Monday through Friday with hours of 10:00 a.m. through 4:00 p.m. There may be evening classes once a month. Lisa recapped the comments received concerning the special use permit. Lisa gave an overview of the parking space requirements. There should be eleven spaces and the applicant said there will be 17 spaces. There was a condition limiting the site to off street parking. Lisa said there is a sign condition that in a residential zone the sign can only be 12 square feet in area per City Code 11-14-7. The Church has a building permit for a sign up to 32 square feet. Lisa said it seems reasonable to allow a sign larger than 12 square feet since the Church already has a sign permit for up to 32 square feet, and Len Pine has agreed that they can share the space on the sign with the Church so condition #7 was amended.

Tom Bushnell representing the Presbyterian Church handed out a packet to the Mayor and Council. It was entered into the record as Exhibit A. Mr. Bushnell said the packet was a copy of the staff report for the December 10, 2015 P&Z hearing. Tom said the business is a pregnancy resource center commonly referred to as a pregnancy crisis center. It is the only one in the County at this time. He said they are combining it with Lavender and Roses, where his wife is a certified professional midwife and an RN, and NATHHAN & CHAS, a national homeschooling organization for families homeschooling children with special needs. He said there will not be foot traffic for the homeschooling business as it is done through the mail, internet, and over the phone. The special use permit is for the additional building near the Church. He said City Code 11-5-3 does not limit the number of special use permits for a property owner. Mayor Sims asked if this is one parcel or two. Lisa said this was not identified. Tom said there are three parcels. He is asking for a second special use permit. Tom said the problem he is having tonight is regarding signs and read a portion of City Code 11-14-7 regarding special permitted signs being limited to 12 square feet in area. Tom said this was discussed in the P&Z hearing and they were told that the sign for the site could not exceed 12 square feet by staff. Tom said the amended condition regarding signs changed it from 12 square feet to 32 square feet for the entire site and

28 square feet is already used by the Church so that would only leave four square feet. Tom said there is a misunderstanding of the law. He said people cannot add or remove words to say something the ordinance does not say. He handed a proposed solution to the Mayor and council. This was marked at Exhibit B. He recommended that we amend condition seven to say something to the effect that the City Administer will issue a sign permit associated with this special use permit in compliance with Bonners Ferry City Ordinance 11-14-7.

Adam Arthur said he understood that staff was recommending an additional 32 square feet for a sign. Lisa said there is currently a sign on the site that is 28 square feet but they have been authorized to have 32 square feet. Lisa read City Code 11-14-7 regarding special permitted signs that said a commercial enterprise sign in a district zoned residential shall not exceed 12 square feet. Tom argued that the Code says the administrator may allow the following signs upon the issuance of a sign permit so each sign permit is allowed more than one sign. Tom thinks there is confusion and said they are asking for a second special use permit. Connie said the sign size limitation would be 12 square feet. Tom said they want four signs, three business signs and one by the road. None would exceed 12 square feet and three would be on the building and one closer to the road. Rick Alonzo clarified that Mr. Bushnell wanted three signs on the building and one by the road. Mr. Bushnell agreed.

Lisa said there is conflict with Code 11-14-5 as it says there should not be signs in a residential district more than six square feet, and Code 11-5-7 that allows multiple signs not to exceed 12 square feet. Lisa told council they have authority to limit the number of signs and the size. Ron Smith asked how this pertains to our sign ordinance. Lisa said it does not apply to this application tonight. Lisa read from Idaho Code 67-6512. She said council has the authority to look at this subjectively and come up with a solution. Mayor Sims asked if Tom wanted four signs. Tom said one would say A Blessed Beginning, one Lavender and Roses, and one NATTHAN/ CHAS on the building. A fourth sign would be near the road. Adam said if there are three signs on the building and one on the road then there are two signs per commercial enterprise and that does not qualify. Tom said there is nothing in the Code that limits the number of signs per business, only the size of the signs. Mayor Sims said in a commercial district that wall signs are unlimited and asked if that is different in a residential zone. Lisa said that is correct.

Lisa read the current condition in the staff report, page 10. She also read Mr. Bushnell's, exhibit B. Lisa's proposed language was that the applicant submit an application for a sign permit. Tom argued that the existing sign permit goes with the existing special use permit.

Rick Alonzo asked for clarification of the 32 square foot sign. Lisa said it needs to be researched as to the reasoning. Rick asked if there could be a grandfather clause for the size of the sign for the new special use permit since a 32 foot sign had been approved previously. Lisa said there is a limitation of 12 square feet in a residential zone in accordance with City Code 11-14-7. She said as a part of the application council can limit or regulate the sign size. Tom Bushnell argued and said they want four signs and the ordinance says they can have them. Connie said since it is a residential area that the number of signs and the sizes should be limited, that people don't want a bunch of signs in their residential area. Mayor Sims asked if it makes a difference if one is free

standing and the rest are on the wall. Connie said she needs to think about it. Ron Smith asked what the recommendation from Planning and Zoning was. Lisa displayed City Code 11-14-7 for the group to review. He asked if four signs are allowed. Lisa said she does not think so. She said if council wants to allow Mr. Bushnell's request they can.

Public testimony in favor. Stu Willis, Canyon Way resident, is in favor of the special use permit as it is a benefit for the community. He said this is a resource that is needed in town. Mr. Willis said the Church has its special use permit and a sign permit. He thinks the new businesses should be allowed separate signage. He said there are three parcels on the site and the building where the business will be housed is on two of those parcels. He said A Blessed Beginnings is dependent on the signage.

Gerald Higgs, 7612 Wildhorse Lane resident, spoke in favor of the application. He said aesthetic needs should be thought about but he said the number one concern is safety. He gave the example of a public safety issue and said a sign needs to be large enough for vehicle traffic to be able to read.

Eric Anderson, 6938 Oak Street resident, said this area is commerce oriented. He said it is on Main Street and we want to promote businesses in these areas in the long term.

There were no neutral comments or from anyone opposed to the application.

Lisa corrected the fact that the site is on Washington Street not Main Street.

Ron Smith asked if four 12 square foot signs are allowed, if that could be done. Lisa said it could be if council amended the conditions.

Tom Bushnell said 11-14-5 said it has to do with residential areas and has nothing to do with this. He asked that council help them so they can help people in our community. He said the business needs a new home and they don't have a lot of money and Bible Presbyterian has offered their building.

Adam Arthur said he is more inclined to go with the 32 square foot sign rather than four separate signs that are 12 square feet each.

Mayor David Sims closed the public hearing at 8:00 p.m.

Mayor Sims asked Adam to reiterate his thoughts about the sign. Adam again said he would like to see a 32 square foot sign rather than four 12 foot signs. Connie said the sign sizes for Flatlander and Leonard Schulte's Office are much smaller. Mike Klaus said Aspen Personal Care has a 12 square foot sign. Connie said she is inclined to let them have two signs – one for the building and one for the road that don't exceed 12 square feet each. Rick doesn't have a problem with a sign by the road saying what the business is and have signs on the building. He said he understands the need for a person driving in to find the business by being able to read the sign. Ron Smith said we are talking about four signs no bigger than 12 square feet, one near the road and three on the building. He said he does not have a problem with four separate signs no larger than 12 square feet in size for each sign. Rick thinks this would be less intrusive.

Mike Klaus said we would want to get a building permit for a free standing sign. Lisa read Condition #7 replacement language into the record - Applicant shall submit a sign permit application for any sign on the property with the use limited to four separate signs, maximum size up to 12 square feet per sign, one free standing sign allowed and the other signs shall be affixed to the building.

Rick Alonzo moved to approve Special Event Permit, SUP#00415, for a special use request to operate a medical clinic and professional office at 6530 Washington Street in a residential A district, finding that it is in accordance with the general and specific goals and standards of City of Bonners Ferry Comprehensive Plan and City of Bonners Ferry zoning code pertaining to special uses as enumerated in the following findings of fact and conclusions of law. I further move to adopt the findings of fact and conclusions of law and amended condition #7 as read by staff. The actions to be taken to obtain the special permit is to complete the conditions of approval as adopted. Ron Smith seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”. Lisa Ailport left the meeting.

Mayor Sims declared a brief recess at 8:10 p.m. The meeting reconvened at 8:15 p.m.

Jerry Higgs spoke regarding storm water management and snow storage and snow removal ordinances. He gave the example of a resident on Deer Run that pushes the snow from his driveway to the right of way. He said snow is not allowed to be moved from private property to public property per Idaho Code. Jerry said there is another resident that plows snow from Wild Rose Lane across the street covering the grate for ulterior drainage that comes down Wild Horse Lane, pierces Wild Rose Lane and flows down Westview to Kaniksu. He said commercial businesses on the south hill are pushing their snow onto the sidewalks. He said this is going on all over the City in commercial and residential applications. He wants to see us implement a snow storage/snow removal ordinance and a storm water management ordinance.

Eric Anderson said he has a troubling invasion of privacy. He said the City Attorney ran a criminal background report on him, and this is from the second week of December. He said it feels like an abuse of process to him. He asked if it is City policy to investigate private citizens and use public resources to do so without a reason. He said if it is policy he would like to know the rationale. Ron Smith said he does not know what Mr. Anderson is speaking about but he does not want to say the City Attorney is right or wrong, and it needs to be discussed with the City Attorney or in the courts. Mayor Sims said he appreciates the information Eric is bringing forward. Eric said he has direct evidence that he does possess.

Tony Rohrwasser spoke to council regarding the Simulcast System. Mike Klaus explained. Tony said the radio system installed at the City yard is part of the Simulcast system. He said it was funded by grants. South Boundary Fire owns all the equipment and a joint powers agreement has been developed. South Boundary will track the equipment until 2018. The fire agencies with the exception of Hall Mountain Fire, the Commissioners for the ambulance, and the hospital. Tony said it is projected to cost \$1,000 per year for a technician to go to all four sites and inspect the system and equipment. He also would like approval for \$500 allowance for him to call in a technician if there is an emergency. The agreement sets out the shares of the

different entities. The County pays over 50 percent of the bill and the City's annual maintenance fees would be approximately \$160. He said since the City put up the building and pays for utilities there was a question of whether they should be required to pay the annual maintenance fees. Ron Smith said he thought that the fire chief would be the person signing on the joint powers agreement. Mayor Sims asked that a copy of the joint powers agreement be given to the City Attorney. Pat Warkentin said the radio channel was set up specifically for fire and EMS dispatch to alleviate issues at the dispatch center for dispatching on emergency scenes. He said the initial goal was to take the pressure off the dispatcher so they don't have to hear all the chatter on a fire or emergency scene. Tony said the fire departments were on separate channels. Mayor Sims said we will discuss this at our next meeting. Police Chief Vic Watson told Tony that he has some questions and would like to speak to him later in the week.

Tony left the meeting.

Police Chief Vic Watson gave the police report. He said the past two weeks have gotten very busy, very fast. Officers have responded to one phone harassment, one petit theft, two burglaries, one aggravated assault, one attempted suicide, one criminal trespass, two domestic battery cases, one marijuana paraphernalia charge, one probation violation, two bomb threats, one battery on a police officer, one DUI, one tampering with a vehicle, one warrant arrest, and one lewd conduct with a minor.

Fire Chief Pat Warkentin said the insulation has been installed at fire station 2. He said the grant funding is being used to make it as efficient as possible. The dry walling is being worked on, garage doors will be installed, and the wiring will be done soon. The bid to re-do the asphalt was too large, but there will be a funding overage left, so paving will be researched. There was an odor investigation at the Bonnerport Mall and it was due to a City sewer backup downtown the product that was used to alleviate the problem caused unpleasant odors. Pat said there was a pickup fire on the Kootenai River Bridge last week.

Mike Klaus said unit 2 at the Moyie hydro has been pulled out for repair. He showed a power point presentation of the inside of the hydropower plant. One of the slides showed a generator and turbine and Mike explained how they work. Mayor Sims asked how old unit 2 was. Mike said it is from the 1920's. He showed a slide of the deterioration of the metal on the edges of the blades of the turbine. Mike said something went through the turbine that caused the damage. He showed a slide of the equipment being put on the tram to be taken out of the power plant site.

Mike Klaus attended the ICUA Conference in Boise last week. He said Governor Otter spoke to the group, and he is focusing on education, cyber security, and some critical infrastructure. The average annual salary at INEL is \$88,000 and there is a push toward education. Mike said many of the people in the electrical industry are retiring so there will be many job openings. Mike said there was discussion of records requests and the revisions that may be coming forth.

Mayor Sims said the EDC (Economic Development Council) will be meeting next week.

Connie Wells moved to approve the consent agenda. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

The consent agenda contained the following: roll call; approval of accounts payable and payroll; approval of December 23, 2015 special council meeting minutes; and approval of January 5, 2016 council meeting minutes.

The Boundary Volunteer Ambulance (BVA) commercial lease was discussed. Mike Klaus said there is opportunity for friction when more than one entity is using a building. He said this was not a long term vision for BVA. He recommended keeping separability between the fire department and BVA areas. A couple issues staff has noted is the access to the upstairs where they occupy space. Mike said there is a separate entrance where BVA would not need to go through the fire bays. He is recommending this. Another issue that came to light was parking due to snow removal. He said it is good to not park in the alleyway. He said there are areas that are not good for parking, and this needs to be put in future agreements to reduce the conflict until they find a long term home. Ken Baker said they have permission to park between the buildings during snow season. He has spoken to John Buckley and John Youngwirth about parking for BVA. The Operations Chief Jeff Lindsey has instructed the medics to help when there is a snow removal problem. He said the City should feel free to tell BVA to move their vehicles any time. Jeff Lindsey said he is trying to make it as quick as possible to access his vehicles for call responses. Mike said the door to the east is the one he is speaking of for remote access. Pat Warkentin said the stairwell access is on the east side of the building and it needs a lock that BVA can access. He said there is also the access on the west side of the building. City Attorney Andrakay Pluid said the lease is year by year. Ron Smith spoke of the cover letter and the future requests made in the letter. He said the Fire Chief and the City need to be clear on any additional items. Ken Baker said the utilities increased from \$83 per month to \$100 per month and parking restrictions were laid out. Connie Wells moved to approve the BVA commercial lease agreement with the parking restrictions, utility increases, and door access. Rick Alonzo seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Ken Baker and Jeff Lindsey left the meeting at 8:54 p.m.

Mike Klaus said the contract addendum with Welch Comer is to remove the amount allocated for the water line design work from the Augusta Street project, reducing the contract amount. Mayor Sims said he understands that the waterline is outside the paved road surface. Mike agreed and said there would be some paved approaches that we would have to go through but we would not tear up the road unless there was a cave in or something like that. Mike said he will be allowed to do the oversight for the sewer line replacement. Rick Alonzo moved to allow the Mayor to sign the Welch Comer contract addendum # 1 amendment #16. Ron Smith seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

The Augusta Street Project pay request #2 was tabled until the next meeting.

The special event permit policy discussion was tabled until the next meeting in the interest of time.

Vic Watson spoke regarding a six month step increase for the Lieutenant. He said it would be approximately \$930 more in fiscal year 2016. Connie asked if this could be squeezed out of the rest of his budget. Vic said this was part of the hiring process, and it would bring the pay level up to what he was making when he left the position. It is within the confines of the police budget according to Vic. He said it is a \$.64 per hour increase. Rick Alonzo moved to approve the step pay increase for Lieutenant Christian Frye. Ron Smith seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Mayor Sims said the volunteer policy was approved at the last meeting, and he has questions regarding this. He said the volunteer policy says the City Administrator has oversight over the volunteers. He said the urban renewal board members are appointed by the mayor and approved by the council, and he said they are definitely not city volunteers. He read from Idaho Code 50-2006 saying that urban renewal agencies are independent public body corporate and politic. It also outlines the procedure for removal of a board member for inefficiency or neglect of duties or misconduct in office. Mayor Sims said the urban renewal board being under the volunteer policy and removing them based on a background check is a problem as well. He said the urban renewal board being under the administrator and part of the city makes them an alter ego of the city. He said urban renewal agencies have powers that cities do not. This opens the city up to a lot of issues primarily because urban renewal agencies can go into debt without a vote primarily because urban renewal agencies can go into debt without a vote of the public. The other question is saying the volunteers are bound by all city policies and guidelines. Mayor Sims asked if the volunteers would be subject to the personnel policy. He also has issues with the liability release and said it abolishes rights that are awarded to other citizens. He is concerned about the background checks and how we will safeguard the data and what excludes the volunteer. Mayor Sims said Jim McNall told him that ICRMP has not made recommendations that volunteers be background checked. He also said he checked with Rick Ferguson at ICRMP and he said they have not made this recommendation. Mayor Sims said we need to backup and rethink the background check. He does not think it is appropriate for our boards. Mayor Sims thinks it would be prudent to rescind the volunteer policy and start over. Mike Klaus said this is about protecting the citizens. He said there is not really an entity that oversees the volunteers at the visitor center, and we don't necessarily know the volunteers that serve there. He said it is a highly public position and it would be good to have an agreement where we can make sure there are not certain crimes in their past that would preclude them from being in such a facility. The intent is to protect the citizens. Mayor David Sims said it is important to protect our volunteers and he is very concerned about the privacy issue. Mike said he takes responsibility for starting the conversation. Mayor Sims said the liability release the volunteers are signing gives them no recourse.

Dave Gray agrees with the background check but does not think people need to be checked and rechecked. Ron Smith suggested that we have volunteers in sensitive positions get background checked. Ron said his problem is who okays whether or not someone can be a volunteer. He said the Chief of Police would see the background check. Ron said his concern is the liability and the security of the City of Bonners Ferry. Mike Klaus said the intent was that no information was to be passed from the Chief of Police to him, just a recommendation of a go or

no go. Mayor Sims said the statute says the council approves. Rick said it is a non-issue to him as the sensitive information will be viewed by the police chief and the attorney. Rick said it is the right solution in certain situations. Adam said there are good points, and he would not be concerned if a background check were done on him. Mayor Sims said it would be prudent to rescind the volunteer policy that was approved at the last meeting and look at the liability waiver. Andrakay said she has an email from Jim McNall that says background checks are recommended for volunteers.

Connie Wells moved to rescind the volunteer policy. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Mike Klaus said the cost of the excavator bid was \$89,673 from Boundary Tractor. He said the percentage for purchase will be 40 percent from electric, 30 percent from water, and 30 percent from sewer. This is an estimate on Mike’s part. Jimmy said the machine will handle everything we need it to do. The street department did not think they would use this excavator much so street was left out of the purchase split. Ron Smith moved to purchase the excavator for \$89,673 from Boundary Tractor. Rick Alonzo seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

A test well for water was discussed. Mike Klaus said there is some platted right of way near the old high school site that we could use to drill a test well. He did a 400 foot test well last year and it cost about \$12,000. Mike thinks a six inch casing, 350 to 400 foot well would cost about \$15,000. He explained how the drilling mechanism takes place. Mike said we don’t have well logs for the City in the area we are looking at. Mayor Sims said another advantage is that the site would be close to our treatment plant. Mike said it gives us reliability for our system. Connie asked what the importance is of having a well. Mike said we have Cabinet Mountain Water as a backup and they are growing so their ability to deliver us water in an emergency is declining. Rick Alonzo asked if this is a successful well in our right of way if we would have to purchase property. Mike said we would need to go forth with procurement as we would be required to have 101 foot circle basically. Mayor Sims said we may want to have a purchase agreement in place before we drill. The issue was tabled.

Rick Alonzo moved to reappoint P&Z Members Chris Rawlings, Sue Larson, and Wally Cossairt with terms expiring December 31, 2019. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Connie Wells moved to reappoint Traffic Safety Committee Members Dean Satchwell, Don Lindsay, and John Marquette with terms expiring December 31, 2017. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Adam Arthur moved to reappoint Golf Committee Members Brion Poston, Dick Staples, and Linda Hiatt with terms expiring December 31, 2016. Connie Wells seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Connie Wells moved at 9:35 p.m. to go into executive session per Idaho Code 74-206 (1) (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent, or public school student and Idaho Code 74-206 (1) (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Rick Alonzo seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”. At 10:18 p.m. executive session ended. No action was taken.

The meeting adjourned at 10:18 p.m.

David Sims, Mayor

Attest:

Kris Larson, City Clerk